

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
INFORMAL BRIEF FOR HABEAS AND SECTION 2255 CASES

No. 16-7208, US v. Francesiour Kemache-Webster

8:10-cr-00654-RWT-1, 8:14-cv-02005-RWT

1. Declaration of inmate filing (for inmates relying on deposit of notice of appeal in institution's internal mail system to establish timeliness of notice of appeal) An inmate's notice of appeal is timely if it was deposited in the institution's internal mail system, with postage prepaid, on or before the last day for filing. Timely filing may be shown by:

- a postmark or date stamp showing that the notice of appeal was timely deposited in the institution's internal mail system, with postage prepaid, or
- a declaration of the inmate, under penalty of perjury, of the date on which the notice of appeal was deposited in the institution's internal mail system with postage prepaid. To include a declaration of inmate filing as part of your informal brief, complete and sign the declaration below:

Declaration of Inmate Filing

I am an inmate confined in an institution. I deposited my notice of appeal in the institution's internal mail system on November 07, 2016 [insert date]. First-class postage is being prepaid either by me or by the institution on my behalf.

I declare under penalty of perjury that the foregoing is true and correct (see 28 U.S.C. § 1746; 18 U.S.C. § 1621).

Signature: Francesiour B. Kemache-Webster Date: 07 November 2016

2. Jurisdiction

Name of court from which you are appealing:

Southern District of Maryland, Greenbelt Judge Roger W Titus

Date(s) of order or orders you are appealing:

Decided on:

3. Certificate of Appealability

Did the district court grant a certificate of appealability? Yes [] No [☒]

If Yes, do you want the Court of Appeals to review additional issues that were not certified for review by the district court? Yes [☒] No [] See primary filing 16-7208

If Yes, **you must** list below the issues you wish to add to the certificate of appealability issued by the district court. If you do not list additional issues, the Court will limit its review to those issues on which the district court granted the certificate.

See Attached Sheet marked
Additional Issues For Review

page 6 through 10

4. Issues on Appeal

Use the following spaces to set forth the facts and argument in support of the issues you wish the Court of Appeals to consider on appeal. You must include any issue you wish the Court to consider, regardless of whether the district court granted a certificate of appealability as to that issue. You may cite case law, but citations are not required.

Issue 1. *Conflict of Interest*

Supporting Facts and Argument.

A Sixth Amendment Constitutional Violation
See: Page 11 through 13 of Amended Informal Brief
- There's a [Strickland v.] Washington; and
[Cuyler v.] Sullivan issue raised

Issue 2. *Sentencing Disparity*

Supporting Facts and Argument.

A. Fifth and Fourteenth Constitutional Violation
See: Page 14 through 16 of Amended Informal Brief
- There's a [Malina-Murinez v.] United States; and
United States v. Muckkunge; [Puckett v.] U.S.

Issue 3. *Batson Violation*

Supporting Facts and Argument.

A. Fourth, Fifth and Fourteenth Constitutional Violation
See: Page 17 through 22 of Amended Informal Brief
Here's a Batson and Alabama issue raised

Issue 4. *Variance of Indictment*

Supporting Facts and Argument

*A Fourth and Fourteenth Constitutional Violation
See: Page 23 through 25 of Amended Informal Brief*

5. Relief Requested

Identify the precise action you want the Court of Appeals to take: *The appellant's sentence should of not been more then 10 years - He should of not been convicted at all He wishes the conviction vacated or removed for proper deliberation*

6. Prior appeals (for appellants/petitioners only)

A. Have you filed other cases in this Court? Yes ☒ No ☐

B. If you checked YES, what are the case names and docket numbers for those appeals and what was the ultimate disposition of each?

*First: Cr-94-025 & 1049 & 03-041-1994
Granted Delayed Appeal -- was released before the filing could take place*

*Second: 11-4801 Southern District of Md
Denied - Conviction / Sentence Affirmed*

*Third: 15-6844 Southern District of Md
Denied Conviction / Sentence Affirmed*

*Fourth: 16-9922 Motion Filed on July 25, 2016
Never received outcome
Southern District of Maryland stated Denied*

J.F.B. Kemache-Webster

Signature

[Notarization Not Required]

Jon Francis B. Kemache-Webster

[Please Print Your Name Here]

CERTIFICATE OF SERVICE

I certify that on 07 Nov. 2016 I served a copy of this Informal Brief on all parties, addressed as shown below:

*by request of the Clerk of the Court
to [ECF] to all parties involved
by Cover machine dated on November 2016*

J.F.B. Kemache-Webster

Signature

NO STAPLES, TAPE OR BINDING PLEASE

Additional Issues For Review

1.- Failure To Interview:

- a) Alibi Witnesses
- b) Impartial Witnesses
- c) Prosecution Witnesses[Mother & Daughter]

2.- Failure To Investigate:

- a) Prosecution Witnesses[Mother & Daughter]
- b) Alibi Witnesses
- c) Transcripts of Prior Adjoining Case
- d) Information Provided By Defendant
- e) Character Witnesses[Spouse, Family, ect]
- f) Prosecutrix [Daughter for Trial]
- g) Following Subpoena Powers To Obtain The

Proper Procedures To Secure The Presence of Witnesses
For Trial and Sentencing

h) Disposition of Earlier Cases Involving The Instant
Offense

3.- Pre-Trial Proceedings:

- a) Failure To Seek Defendant For Bail
- b) Improper Procedure To Secure Alibi Witnesses and Prosecutrix
- c) Failure To Place Defendant On Stand

4.- Appellant Counselor's Failure To Address
The Issues That Were Placed Under Seal &
Appeal On Direct Appeal:

5.- Motions Practice:

- a) Failure To Argue Defendant's Rule 29,
Where Counsel Was Ordered By The Trial
Court To Assist The Defendant
- b) Failure To Contribute To The Rule 29,
Where It Is Shown That The Rule 29 Does
Have Merit
- c) Failure To Supoena Witnesses - Under The
Use of Subpoena Powers For The Defendant
- d) Failure To Move On The Grounds Of Double
Jeopardy Grounds - Where Issues of The
Case Had Been Presented Six Months Prior In Another
Federal Court.- D.C. Superior

6.- Jury Selection Proceedings:

- a) Failure To Challenge Jury Selection Pro- cedure:
 - * In general
 - * For Race and / or sex-gender composition

7.- Conduct of Trial:

- a) Failure To Challenge The Amended Indict-
ment --- Where The Defendant Had Not, In
Fact Been Charged With Addition Offenses
- b) Failure To Call For Mistrial Where The
Indicment Was Amended And Varied
- c) Failure To Call Witnesses For The Defen-
dant
 - * In general

* Chacracter, Critical,or Expert Witnesses

- d) Failure To Invoke Subpoena Powers By The Counsel
of Record For The Defense
- e) Failure To Raise Collateral Estoppel
- f) Failure To impeach Witness [Mother]
- g) Failure To Correct Prosecution's Use of
False Testimony To Secure Conviction
- h) Failure To Correct Judge On Issuing Improper Jury
Instructions On The Case
- i) Failure To [Cross Examination]
 - * Denial Of Right To
 - * Inadequate
 - * Failure To Object To Limitations On

8.- Failure To Raise An Indicated Defense:

- a) Double Jeopardy
- b) Collateral Estoppel
- c) Alibi
- d) Good Faith
- e) Venue
- f) Lack of Intent
- g) Lack of Premeditation
- h) Absence of Coercion
- i) Absence of Enticement
- j) Void For Vagueness Of The Charge

9.- Failure To Offer Instructions:

- a) Lesser Included Offense
- b) Improper Jury Instruction On The Issued [Substantial

Step Prong] To The Charge

10.- Sentencing:

a) Failure To Object To Judge Found Factors

b) Failure To Object To Improper Criminal
History Score and Category of Defendant

c) Failure To Object To The Judge Court's
Order of Placement In The [CTU]'s Counter
Terrorism Unit's [CMU] Communi-
cations Management Unit of Terre Haute,
Indiana --- To Service An Imposed LIFE Sentence,
Where It Is Undisputed That
Defendant's Criminal History Score And
Category Added Up To Less Than Ten Years

a) Failure To Address The Fact That The Defendant's
Case Was Traded For A Career
Criminals Case --- Who Had A Far Worst
Record and a Career History of The Type
of Crime Receives 144 months as opposed
To receivership of a LIFE Sentence

b) Failure To Inform Defendant That The Rule 29
Hearing Was Being Held At The
Sentencing Hearing --- Where It Is Un-
disputed That The Hearing Was Shecduled For A Much
later Date In August of 2011

11.- Failure To Raise Issues On Direct Appeal:

a) Failure To Raise Issues That Were Under
Seal and Appeal

b) Failure To Argue The Court Agreed To Be Entered
Supplemental Brief of the Appel-
lant On Direct Appeal --- Oral Argument

12.- Defense Counsel's Conflict of Interest:

- a) Court Not Accepting Counsel's Missive Of
There Being A Conflict of Interest
- b) Actual Prejudice Shown
- c) Worked Against The Client's Interest
- d) Did Not Secure Subpoena of Prosecutrix
- e) Had Never Defended That Type Of Crime,
And Made Clear That Type Of Crime Was Of
The Type Of Crimes That He Does Detest
- f) Conflict of Interest Manifested At Trial And At
Sentencing --- Judge Refused To
Remove Either Counsel or Defendant From
The Matters of The Case.

Amended Informal Brief:

Issue 1. - Conflict of Interest

The Client/ Attorney privilege, e.g... relationship had become broken from the very beginning, the appellant on numerous occasions had expressed and explained to the lawyer; Mr. Gary E. Proctor Esq.; that there are records and files that would express and explain the communications and conversations in better detail --- if he were to make the attempt to retrieve the records from the D.C. Superior Court, that were dated on March 26, 2010; (6 months prior to the complaint and arrest of the appellant in relationship to the instant offense of Title 18 Section 2422(b)); yet, they were not sought, retrieved, nor reviewed to see if they had merit.

The Client / Attorney privilege and relationship were at issue where the lawyer had mistaken the appellant's case for that of another defendants case, that consisted of the exact same charge, with the exact same officials attached to the appellant's case as they were with the defendant --- that was unknown or established to the appellants case. (See: Micheal Allen Alper; 11-0344-RWT Document #6 of his case, 8:11-cr-0344-RWT-1)

The defendant, [Alper] had a career history of such crime(s) with that of: multiple --- jurisdictions, victims, and also arrest of: Title 18 Section 2422(b), he also had the exact [same], AUSA's, Gov't officials and Judge {Roger W.Titus} on his case as that of the appellant, yet when he [Alper] was offered a plea he was given 120 months to 168

months, and; sentenced to 144 months, when the appellant was offered a plea, he was offered 300 months, he went to trial - had an all women jury and therefore sentenced to a term of [LIFE]. Mr. Alper was given a bond and released pending trial, the Appellant was given no bond, Mr. Apler was given self surrender after he was sentenced to a term of 144 months, the Appellant was remanded to the D.C.-CCA/CTF, after sentenced to [LIFE] and court ordered to service it in a terrorism unit [CMU] of: Terre Haute, Indiana, for the duration of his sentence. The Client / Attorney privilege e.g. relationship was broken, when the lawyer; Mr. Gary E. Proctor Esq., did not have [a]ny witness's made available to give any type of proof or alibi for the appellant based on what was and had been transpiring towards the appellant and his than teenaged daughter. The lawyer's failure to uncover the fact that there had been several gov't, public, private and family officials made aware and notified of the information and the allegations that would of rendered the appellant's alibi of why the communications and conversations had taken place, and that the appellant [was not] th person of interest, but, that of the birth mother and step-father, whom the daughter had stressed to everyone from the inception of the case. See: [Lynn v.] Teny; 405 Fed App'x 753 (4th Cir. 2010); or the fact that the lawyer's failure to uncover the fact that the birth mother did in fact have fore-knowledge of the prior incidents that were transpiring within the life of the daughter (supposed victim) with the incidents and allegations and implications that had been brought to the mother's attention as well as to that of the gov't, public, private and family officials --- when the

daughter was placed in the appellant's care, charge control and custody, several years after the incidents, allegations and implications had taken place without doing anything about the matter. The lawyer was deficient in having not investigated those matters and many more, by not cross-examing the mother [Giselle Morch] on the witness stand about any of these listed and discribed matters as they were presented to him by the appellant.

See: [Elmire v.] Ozmit; 661 F.3rd 783 (4th Cir. 2010);

[Wiggins v.] Cocoran; 288 F.3rd 629 (4th Cir. 2002).

Cause & Prejudice to play an important role in the lawyer's failure to investigate and that there was a complete break down in the Client / Lawyer relationship, that the lawyer had made several attempts to be removed from the case, and the appellant had made several attempts as well, yet, the trial judge, made the case and requested removal all about the court, stating that the appellant was trying to delay or hinder the prosecution --- in fact the appellant was trying to [NOT] hinder nor delay, but tried to get proper representatition, due to the fact that the case was all a sham and one that was not believable by any standad of the imagination where, his immediate family, friends, and colleagues were of concern. See: [U.S. v. Mikalajunis]; 186 F.3rd 490, 493 (4th Cir. 1999) & [Cuyler v.] Sullivan; 446 U.S. 335, 348; 100 S.Ct 1708 (1980).

Amended Informal Brief

Issue 2. - Sentencing Disparity

The sentencing court; used Judge- Found-Factors to sentence the appellant; when it is undisputed that the appellant was never released from custody --- upon that of the receivership of the current governments given offense of: Title 18 Section 2422(b); Coercon and Enticement,

The appleeant was originally arrested on September 03, 2009; on a charge of: one count personal bad check, pursuant to: D.C. Code Annotated: Section 22-1510 (1922); and therefore released on personal release. On that of March 18, 2010; appellant was than sentenced under the Federal Guidelines of Six months incarceration with Three years of Supervised Release. The appellant' Criminal History Guidelines was 3 points under the USSG of Category II. The appellant was never released from custody, and the bad check case was later vacated; after the appellant was subsequently issued a criminal charge of Title 18 Section 2422(b); Coercion and Enticement. What the court failed to do was accept the argument that the appellant has always contended that the Criminal History Score that the sentencing court and the AUSA had displayed based on the information provided to the U.S. Probations Office by them; was that the information was incorrect and that the sentencing guidelines issued to the appellant of: [CHS] 12 in Category V was completely incorrect. That even with that of the incorrect Criminal History Score [CHS] of 12 with a Category of V give that of the appellant a USSG range of 292 to 365; was truly way out of the ball park

range, when the actual and original [CHS] is 3 with a Category II range leaving him at 84 to 108 months, which fell below the given Title 18 Section 2422(b) min./man. sentence given of: 10 years to Life. Yet, the sentencing court still gave the appellant an outside of the guideline sentence; issuing him a full LIFE term --- as well as sentenced him to service it in a Federal Terrorist Unit [CMU] located in; Terre Haute, Indiana. [U]nder the case [Molina-Martinez v.] United States; 136 S.Ct 0026 (2016) --- The Supreme Court, stated:

[U]nder the United States Sentencing Guidelines [USSG], prior sentences are counted as a single sentence if they were imposed on the same day, unless the offense were separated by an intervening arrest.

[N]ormally, when there is a correct or incorrct range that 'overlaps' and that of the defedant is sentenced within the overlap courts do not assume in the absence any additional evidence, that the sentence affects a defendant's substantial rights. Because it was objected to, on that ground within the district court. It is subjected to 'PLAIN ERROR' analysis.

See: United States [v. Mudekanye]; 646 F.3d 281 (5th Cir. 2011): and [Puckett v.] United States; 566 U.S. 129, 135; 129 S.Ct. 1423 (2009) citing...

("[I]f the defendant makes a showing, the court has the discretion to in fact correct the error, if it does seriously affects the fairness, integrity, or public reputation of judicial decisin or judicial proce-

edingd. Id.....

[A] court abuses its discretion --- if the decision is guided by or is based on bad or erroneous legal principles, or rest upon a clearly faulty [f]actual findings:

See: Gall; 169 L.Ed 2d 2d 445. (citing....

Under the deferential abuse-of-discretion standard, the Appellate Court failed to give 'due diligence' to the District Court's reasoned and reasonable decision that the section 3553(a) [f]act[or]s justified the imposed sentence.

Amended Informal Brief:

Issue 3. - Batson Violation

The Jury Selection, during the trial of the appellant was, made up of all twelve women [ten black women and that of two white women in the venire --- with that of two males as alternates] The appellant sought to argue; that there were 12 women on the jury pool, yet, the AUSA sought request that the defense give a 'PRIMA FACIE SHOWING' of their strikes, but it was that of the Court and the AUSA's that made that of the improper jury --- by 'GENDER' only.

The trial commenced with an all women jury of twelve women [ten black & two white women] the trial went on for three days from that of April 19 through April 21, 2011; and during that time; other than the two United States Postal Officer's all of the Government's witness were women, with the Counselor of Record {not} producing any type of witnesses for the defense. The Government key witness, Mrs. Morch-KeMache-Webster-Tobe the ex-spouse of the appellant; was not cross examined nor asked [any pertinent or useful questions to certify or clarify the appellants alibi on the reasoning for that of the communications and conversations that had transpired between the appellant, and; his then teenaged daughter --- which would of verified and produced relevant and informative information that the appellant did not have nor possess the wherewithal of there being an abnormal or as the Government had addressed an incestuous relationship; [which was not what the appellant was charged with, admitted to nor indicted for].

During the 'PRIMA FACIE SHOWING' the AUSA, had referenced to the Court; that the defense were the ones that made the all too important strikes, yet, it was the Court that had stressed that the defense had made four (4) strikes of white males, which had reduced the venire pool of having all of the women placed on the venire selection.

It was later revealed that during the argument of the 'PRIMA FACIE SHOWING' That it was in fact, the COURT --- that made the all too important strikes that had reduced the pool selection:

See: United States [v. KeMache-Webster]; 10- cr-0654-RWT-1
Trial Transcripts Apr. 19,2011 Page 77 of Voir Dire Trans.
Line 19-25

19. Ms. Belf: The government believes there may be a basis to challenge the jury.
However, we are not permitted without first receiving authorization from our office. To be very brief could just...

23. have five minutes ? You can hold court if you want to have one of us run up-
stairs.

25. Mr. Proctor: Judge although the govern- ment
Page 78 of Voir Dire Trans. Line 1-6

1. Mr. Proctor: hasn't made a prima facie showing,
by my count I know what they

permission to seek. I struck six women.

I'm sorry, six white people, three black
people, and one mother I think is probably Asian. And I
struck four men and six women. there is not going to be

6. even a prima facie showing, so I ask
that you deny it.

Page 78 of Voir Dire Trans. Line 20-25

20. Ms. Belf: Your Honor, at this time gov- ernment
would like a reverse Batson

Challenge to this jury. We believe the defendant
has exercised his strike in- appropriately, specifically
to strike

all white male members from the venire.

24. We believe they cannot provide an ade-

25. quate explanation for the three strike
parcticularly.....

Page 79 of Voir Dire Trans. Line 1-4

1. Ms. Belf: as several of these individ-
uals never came to the bench to address any
additional questions.

3/4. Mr. Proctor: I believe the government
has to prove a prima facie case.

The Court than explained that under that of 'Batson', "once the opponent of a peremptory challenge, has made out a prima facie case of racial discrimination (step 1) ... the burden of production shifts to the proponent of the strike to come forward with a race-neutral explanation; than (step 2) ... if a race-neutral explanation is tended the trial court must decide, (step 3)... whether the opponent of the strike has, in fact provided purposeful racial discrimina- tion. * *

See United States [v. KeMcahe-Webster]; 10-cr-0654-RWT-1 Jury Transcript April 19, 2011

Page 79 of Voir Dire Trans. Line 15-25

15. Mr. Proctor: Six females

16. The Court: Six were female, excuse me Well I didn't count the alternate strikes.

18. Mr. Proctor: I have one of the white people as a mother, and my client does not agree with me on that.

20. The Court: Ultimately stricken - I have an Asian, and I could be wrong.

22. Mr. Proctor: No. I think you're right on that. The government is incorrect. I

put two white males on the jury. I don't who struck them, but I didn't. It is not accurate to say I struck all the white.....

Page 80 of Voir Dire Trans. Line 1-8

1. Mr. Proctor: males. I didn't Except for
Juror 306.

2. The Court: Four white males you struck. Four
males, excuse me Four males.

4. Ms. Belf: The three white males, were
struck by the defense.

5. Excuse me ?

6. Ms. Belf: The three white males, were
struck by the COURT.....

Please see: Voir Dire Tanscrption in their full
entirety pages 77 through 84.... *April 19, 2011 Voir Dire*

The appellant's contention, is that the
AUSA and / or the court may not strike [a]ny potential jurors
solely on the basis of: race or gender; does not imply the
elimina- tion of all peremtory challeges. Neither does it
conflict with a State's legitimate intrest in using such
challenges in its efforts to secure a [FAIR] trial, and also a
[FAIR] and [IMPARTIAL] jury. Having [FAILED] to provide the
applellant and jurors the same protections againt race and /
or gender nulification [discrimination], as a race and /or
gender discrimination has frustrated the true and real purpose
of Batson and Alabama, in and of itself. Because race and
gender discrimination are overlapping categories, gender can
be used as a pretext for racial discrimination. Allowing
parties to remove racial minorities from the jury not because
of their race, but because of their gender, contravenes well-

balanced and well-established equal protection principles and could insulate effectively racial discrimination from the judicial scrutiny. This is a violation of the Sixth Amendment -- Effective Counsel, the Fifth Amendment -- Due Process Clause, the Fourteenth Amendment -- Equal Protection and Due Process Clause of: The United States Constitution as written.

Amended Informal Brief:

Issue 4. - Variance of Indictment

When a criminal complaint is written and presented to its citizen the United States Constitutions Fourth and, also Fourteenth Amendment applies --- under the 'Presentment of Indictment' and the 'Due Process Clause' as well as also the 'Equal Protections Clause'.....

When a presentation of an indictment is issued, it must be certified by a Grand Jury and must state; all of the elements of the presentment as well as also the nature of the offense and a description of its violation, e.g.....its Title and Statute as it is written on its face by the State and /or by Congress. When the presentment is rewritten without that of the Grand Jury, additional presentments become an issue to that of the presentment, it must be either, acknowledged by the actor, plead guilty to or issued by the Grand Jury. See: United States [v. Can- Celliere]; 69 F.3d 1116 (11th Cir. 1995); and also; United States [v. Dipentino]; 242 F.3d 1090 (9th Cir. 2001); United Stes [v. Farr]; 536 F3d 1174 (19th Cir. 2008). The Due Pro- cess Clause of the Fourteenth Amendment is to protect [a]ny individual against governmental deprivation of: {liberty}, also {life} and {property}, as those words have been interpreted and given meaning over the life of our republic without the due process of the law. See: Board of Regents v. Roth; 408 U.S. 570-71 (4th Cir. 1972).

The touchstone of the due process is protection of the individual(s) against any arbitrary actions of government,

"whether the fault lies in the denial of a fundamental procedural fairness (i.e. denial of procedural due process guarantees) or in an exercise of power without any reasonable justification in the service of a legitimate governmental objective; (i.e. denial of substantive due process guarantees).....

Herein, the appellant was charged in a one count indictment on October 23, 2010; to Title 18 Section 2422(b); to Coercion and Enticement of a Minor --- his biological teenaged daughter. The appellant was not charged nor indicted for [a]ny additional charges nor overt acts, nor was there a victim listed, described nor presented for pre-trial motions nor trial, yet, the United States Government and the Court, stated that the appellant and the teenaged daughter had an incestuous relationship and that is what was presented to the jury of twelve women (two white women and ten black women). The appellant was found guilty of a completed offense of Title 18 Section 2422(b), based on information not found by a Grand Jury, nor charged with nor announced or pled guilty to by the appellant. The Trial / Sentencing Judge; Roger W. Titus; imposed a LIFE sentence on the appellant and ORDERED him to service that sentence in the BOP's Counter Terrorism Unit [CTU] of Terre Haute, Indiana's Communications Management Unit, for the duration of his sentence. All a true and dreadful violation of the appellant's United States Constitutional Rights of the Fourth and Fourteenth Amendment.

WHEEREFORE:

The appellant, does affirm under the

Penalties of Perjury; Pursuant To:
Title 28 Section 1746, that all of the
given information on this 7th day of
November, 2016 is true, correct and
also accurate to the best of his
acknowledgement and abilities.

07 November 2016

07 Nov. 2016

Mr. F.B. KeMache-Webster

Mr. F.B. KeMache-Webster

16-7208
JSM

From: Jon-Franciour B. KeMache-Webster

USM # 42459-007

United States Tucson C2

Post Office Box - 24550

Tucson, Arizona, 85734-4550

To: The Honorable Clerk of the Court
Mr, Jeffery S. Neal, Deputy Clerk
Co/via Ms. Patricia Connor, Clerk
United States Court of Appeals
For The Forth Circuit Court
1100 East Main Street, 5th Floor
Richmond, Virginia 23219

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U.S. COURT OF APPEALS
FOURTH CIRCUIT

Case: United States of America
v. KeMache-Webster

Case No. 16-7208

Reflecting: 8:10-cr-0654-RWT-1 &
8:14-cv-2005-RWT-1

Subject: Rule 45 Notice - Remedied

07 November 2016

Your Honorable Clerk of the Court;

As you are reading this, I wish you and yours
well. Please find attached; an
amended filing to the above styled case. On
or about Friday, November 04, 2016; I became in receivership
of the enclosed default, in

which pursuant to: FRAP Rule 45, I am suppose to cure. I had sent the original filing in by the required date, by having placed in the institutional mail box of the institutions mailroom on that of October 19, 2016 --- which should of had reached your office on or before the sending of this notice at the latest; yet on or about the due date of October 24, 2016; by the requested extension date. I wish to extend my apology for any inconvenience that I may have given or provided on my part; if by chance that is the case. It truly was not my intentions.

Also please find included the attached completion of the required form, to therein be entered as that of an amended filing --- to the above styled case number; in Pursuant To: The Federal Rule of Civil Procedure: Rule 15.....

The 'Declaration of Inmate Filing' is herein signed on this 07th day of November of the year 2016.

My Issues for appeal on amend are:

Issue 1. - Conflict of Interest

A violation as applied under the U.S. Constitutions: Sixth Amendment of the: 'Effective Assistance of Counsel'

Issue 2. - Sentencing Disparity

A violation as applied under the U.S. Constitutions: Fifth and Fourteenth Amendment of the: 'Due Process Clause & Equal Protection Clause'

Issue 3. - Batson Violation

A violation as applied under the U.S.
Constitutions: Fourth, Fifth and also, Fourteenth Amendment of
the: 'Trial By Jury, The Due Process Clause, and also The
Equal Protection Clause'

Issue 4. - Variance of Indictment

A violation as applied under the U.S.
Constitutions: Fourth and Fourteenth Amendment of
the: 'Presentment of Indictment, The Due Process Clause, and
also The Equal Protection Clause'

These are arguments that are already set out in the
original filing, I have just expelled upon them to make the
proper 'prima facie showing'. I thank you in advance for all
of your efforts, aid, assistance, help and support towards my
endeavors. In my close may I humbly request that this be
forwarded to all parties involved by {ECF} and that I be
forwarded a copy of this filing as well with the enclosed
attached envelope. Again, Thank you, take care & may GOD bless
you and yours.

Respectfully sent;

07 November 2016

07 November 2016

Jefferson B. KeMache Webster

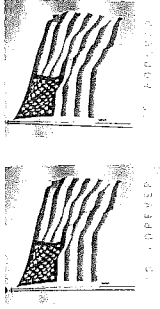
JF. B KeMache-Webster

cc:

file

record

self



The United States Court of Appeals
 For the Fourth Circuit
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 Richmond, Virginia 23219

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Ms. Joni Innes B. Kennahe - W
 OS M: # 424 59-007
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 Jackson, Arizona 85734-4550